



May 16, 2022

VIA ECF

The Honorable Kimberly A. Jolson
United States Magistrate Judge
United States District Court for the Southern District of Ohio
Joseph P. Kinneary U.S. Courthouse
Room 200
85 Marconi Boulevard
Columbus, OH 43215

*Re: McNeil et al v. Trinity Health Corp. et al (2:20-cv-00258-EAS-KAJ) – Joint Status Report
and Request to Amend Discovery Schedule/Set Briefing Schedule for Dispositive
Motions and Expert Discovery*

Dear Judge Jolson:

This firm, along with Graff McGovern LPA, represents Plaintiffs in the above matter. I submit this letter motion/status report on behalf of counsel to all parties to update the Court on the status of discovery, to respectfully request a limited additional extension of discovery (to accommodate the scheduling of certain depositions), as well as to set a detailed schedule for summary judgment briefing and expert disclosures and discovery.

A final pretrial conference in this matter is set for January 6, 2023, with trial set to commence on January 17, 2023. (ECF No. 73). The modifications and schedule requested herein will not interfere with the existing trial schedule.

Document discovery from the parties is substantially complete, and 11 depositions have been taken. There are two additional depositions scheduled in May, and an additional six currently scheduled for June. However, six depositions beyond that have yet to be scheduled. The Court's most recent order extended discovery generally until July 5, 2022, and noted that it would be the last extension. (ECF No. 70).

While mindful of the Court's statement, given that there is now a trial schedule that would not be impacted, we jointly request that the Court modify the schedule so that the remaining depositions may be conducted on any date prior to, or on, July 28, 2022.

In addition, we respectfully request that the Court enter the following briefing schedule for dispositive motion practice:

- September 16, 2022 – Parties to file affirmative dispositive motions, if any.
- October 17, 2022 – Parties to file oppositions to any dispositive motions, if any.

- October 28, 2022 – Parties to file reply memoranda in further support of any affirmative motions.

Furthermore, as the Court may recall, the existing schedule defers expert discovery until after briefing of dispositive motions and permits either party to support their respective positions with an affidavit from an expert that would testify at trial. As such, the parties now respectfully jointly request that the Court also order the following schedule with respect to expert discovery (which was previously unset):

- August 15, 2021 – Parties shall identify any expert that they intend to call at trial, and produce a copy of the proffered expert's *curriculum vitae* and a brief description of the topics upon which the expert will testify.
- October 17, 2022 – Parties shall identify any expert that they intend to call at trial solely for rebuttal purposes, and produce a copy of the proffered rebuttal expert's *curriculum vitae*.
- Any party may include with a motion for, or opposition to, summary judgment, an affidavit from their identified expert(s) that contains “a [] statement of [the] opinions the witness will express and the basis and reasons for them” as contemplated by Fed. R. Civ. P. 26(a)(2)(B)(1), but only to the extent that such opinions are relied on for the parties' respective positions in support of or in opposition to summary judgment.
- November 15, 2022 – The parties shall supplement their expert disclosures with any information not previously provided in order to fully comply with the requirements of Fed. R. Civ. P. 26(a)(2)(B)(1).
- December 9, 2022 – Completion of all expert depositions and discovery.

The parties are available for a telephonic conference at the Court's request, but have no disputes that require judicial intervention at this time.

Respectfully submitted,

s/Robert Landy
Robert Landy
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Attorneys for Plaintiffs

s/Kevin O'Shea
Kevin O'Shea
The Miller Law Firm
Defendants' Counsel

SO ORDERED